

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**JESSE LEWIS**

**PLAINTIFF**

**V.**

**NO. 4:17-CV-153-DMB-JMV**

**TRUMBULL INSURANCE COMPANY  
d/b/a The Hartford Insurance Company,  
et al.**

**DEFENDANTS**

**ORDER**

On January 18, 2018, Trumbull Insurance Company filed a motion to dismiss Jesse Lewis' first amended complaint in this action. Doc. #20. The same day, Lewis filed a motion to amend his first amended complaint. Doc. #19. On February 21, 2018, this Court granted Lewis' motion to amend. Doc. #31. The next day, Lewis filed his second amended complaint. Doc. #33.

As a general rule, "[a]n amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading." *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994). Accordingly, an amended complaint will ordinarily moot a pending motion to dismiss unless the amended complaint "on its face" fails to address the alleged defects identified in the motion to dismiss. *See McIntyre v. City of Rochester*, 228 F.Supp.3d 241, 241 (W.D.N.Y. 2017) (motion to dismiss moot where "[a]t least on its face, the amended complaint appears to address those alleged defects" identified by motion to dismiss).

In his second amended complaint, Lewis did not adopt or incorporate by reference his first amended complaint. And, Trumbull sought to dismiss Lewis' first amended complaint because "no facts [were] pled that establish that Vida Williamson was operating an 'uninsured motor vehicle,'" Doc. #21 at 4; while Lewis' second amended complaint alleges facts concerning

Williamson's insurance status, Doc. #33 at ¶¶ 9–10.<sup>1</sup> Under these circumstances, Lewis' first amended complaint is of no legal effect. Furthermore, because the alleged defects in the first amended complaint no longer facially persist in the second amended complaint, the Court need not consider Trumbull's motion to dismiss. Accordingly, Trumbull's motion to dismiss [20] is **DENIED as moot.**

**SO ORDERED**, this 20th day of August, 2018.

**/s/Debra M. Brown**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> See Doc. #25 at 2 (documenting changes from first amended complaint to second amended complaint regarding Williamson's insurance status).